

ORDINANCE 1580

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RENEWING THE INTERIM ZONING REGULATIONS ADOPTED IN ORDINANCE 1523, AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT, PROHIBITING COMMERCIAL TRUCK CENTERS AND PARKING; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and other interim development regulations; and

WHEREAS, due to the potential adverse impacts to air quality, noise, traffic and city streets, economics and infrastructure, the City of North Bend has determined additional commercial truck travel centers, truck parking or expansion of the existing truck travel center, beyond the current site, is not in the best interest of North Bend without additional in-depth analysis, if at all; and

WHEREAS, the North Bend Planning Commission has been particularly busy for the past two years working on the comprehensive update of the City's Comprehensive Plan required by the Growth Management Act; and

WHEREAS, due to the City's work on its Comprehensive Plan update, the Planning Commission has not had sufficient time to analyze the truck travel center land use and its impacts, and the Community and Economic Development Department has therefore not been able to bring forth proposed permanent regulations for Planning Commission and City Council consideration; and

WHEREAS, on April 15, 2014, the City Council adopted Ordinance 1523, which adopted interim development regulations prohibiting the addition or expansion of commercial truck centers and parking in the East North Bend Master Plan Overlay District (the "Interim Truck Regulations"); and

WHEREAS, on April 21, 2015, the City Council adopted Ordinance 1552, extending the Interim Truck Regulations pursuant to RCW 36.70A.390; and

WHEREAS, on October 6, 2015, the City Council adopted Ordinance 1563, again extending the Interim Truck Regulations pursuant to RCW 36.70A.390; and

WHEREAS, on January 28, 2016, the Planning Commission held a public hearing and received voluminous public comment regarding proposed permanent amendments to the truck regulations contained in Chapter 18.10 NBMC; and

WHEREAS, on February 11, 2016, the Planning Commission deliberated and issued its recommendation to the City Council regarding the proposed permanent truck regulations; and

WHEREAS, on January 27, 2016, the City submitted the proposed permanent truck regulations to the Washington State Department of Commerce for review pursuant to RCW 36.70A.106(3)(a), and the Department requires sixty (60) days for review of proposed changes to development regulations; and

WHEREAS, on March 11, 2016, the City issued a SEPA Determination of Non-Significance (“DNS”) for the extension of the Interim Truck Regulations, and the public comment period for the DNS closes on March 29, 2016;

WHEREAS, the City has determined it is necessary to extend the Interim Truck Regulations, which will expire on April 5, 2016, before the Department of Commerce has completed its review of the proposed permanent truck regulations; and

WHEREAS, on March 15, 2016, the City Council held a public hearing pursuant to RCW 36.70A.390 to take public testimony and further consider the Interim Truck Regulations and the extension of those interim regulations for another six (6) months;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact: The City Council hereby adopts the “Whereas” clauses set forth above as its findings of fact in support of extending the City’s interim zoning regulations adopted in Ordinance 1523.

Section 2. Renewal of Adopted Interim Zoning Regulations: The City Council hereby extends for six months, as interim zoning regulations, the following definition of “commercial truck center/service area” set forth in North Bend Municipal Code (“NBMC”) Section 18.06.030, and the following subsections of NBMC Section 18.10.025.C.d. (Special District, East North Bend Master Plan Overlay District (ENB-MPOD)):

18.06.030 Definitions

“Commercial truck center/service area” means a commercial facility which provides refueling, rest area, day or overnight truck parking, food, truck maintenance services and other services for the commercial freight and truck industry and associated drivers.

18.10.025.C.3.d.ii(F)

(F) Commercial truck center/service area is prohibited.

18.10.025.C.3.d.iv

iv. Commercial Truck Center/Service Areas. The ENB-MPOD includes an existing commercial truck travel center, commonly known as Truck Town, which is located on approximately 15.5 acres in the Interchange Commercial zone. Due to its location at the base of Snoqualmie Pass and at the gateway to the Puget Sound area, commercial truck traffic and overnight truck parking is often an issue, creating unmitigated adverse impacts to the city's streets and air quality. This facility is currently the only commercial truck center in King County. The city has determined a new commercial truck center/service area or expansion of the existing use, beyond the current site, is not in the best interest of North Bend and therefore prohibited. The existing commercial truck center/service area may continue to operate and improve the facility, at its current site, subject to the provisions below. As used in this section, "substantial improvements" means improvements worth more than 50 percent of the assessed value of the original building(s).

(A) Substantial improvement to existing commercial truck travel center facilities shall make available truck stop electrification capabilities, or other means for each truck to utilize to eliminate idling.

(B) Substantial improvement to existing commercial truck travel center facilities shall require full compliance with the North Bend Municipal Code.

(C) Any redevelopment of the existing 15.5-acre commercial truck travel center located in the Interchange Commercial zone shall locate all retail, restaurants and commercial buildings along 468th Avenue SE and North Bend Way (see Figure 18.10.025-2, commercial building priority area). Truck and vehicular parking and truck service areas shall be placed to the rear and internal areas of the site. Truck parking is prohibited adjacent to North Bend Way or 468th Avenue SE.

(D) Commercial truck parking areas shall not be located adjacent to public streets, unless a 30-foot, Type 2 landscape buffer is provided.

(E) Performance Standards. Commercial truck travel centers and related uses shall comply with the performance standards as set forth in NBMC 18.10.050.

(F) Permitted Uses. For Interchange Commercial zoned property within the ENB-MPOD, all uses permitted in the IC zone as identified in NBMC Table 18.10.030, Permitted and Conditional Land Uses, are permitted including commercial truck travel center.

Section 3. Effective Duration of Interim Development Regulations: The interim zoning regulations set forth in Ordinance 1523 and repeated above shall be in effect for a period of six months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six month period unless sooner renewed or repealed.

Section 4. Public Hearing: The City Council held a public hearing at the City Council's regular meeting on March 15, 2016, to take public testimony and to consider adopting further findings of fact.

Section 5. Severability: Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date: This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force on March 30, 2016. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF MARCH, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: March 23, 2016
Effective: March 30, 2016

Susie Oppedal, City Clerk